

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE PROIMMUNE COMPANY, LLC, a
Delaware limited liability company;

Plaintiff,

v.

HOLISTA COLLTECH LTD., an Australian
corporation; and DOES 1-50, inclusive;

Defendants.

AND RELATED COUNTERCLAIMS.

Case No.: 7:20-cv-01247-KMK

~~PROPOSED~~ JUDGMENT

On June 14, 2021, Plaintiff/Counter-Defendant The ProImmune Company, LLC's Motion for Summary Judgment was filed with the Court. (ECF 48.) On March 21, 2022, the Court granted ProImmune's Motion for Summary Judgment, and requested briefing on two remaining issues. (ECF 85.) On January 30, 2023, the Court affirmed its ruling on ProImmune's Motion for Summary Judgment. (ECF 96.)

Having ruled that ProImmune is entitled to judgment as a matter of law with respect to its first, second, and fourth causes of action for breach of contract, the Court also ruled that ProImmune is entitled to pre-judgment interest for its claims from the date of breach at 9% per annum. (ECF 114.)

Since ProImmune is the prevailing party with respect to its fourth cause of action for breach of contract, and since the fourth contract provides for attorneys' fees, the Court further ruled that ProImmune is entitled to its attorneys' fees for its fourth cause of action. (ECF 125)

Having considered ProImmune's request to dismiss its third cause of action for breach of contract with prejudice, pursuant to FRCP 41(a)(2), and finding no prejudice to Holista as a result, the Court further rules that claim dismissed with prejudice.

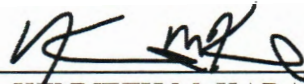
Based on the foregoing, the Court enters judgment in favor of ProImmune and orders:

- ProImmune is entitled to damages in the amount of \$1,198,150.00 against Holista for its first, second, and fourth claims for breach of contract. *See also* ECF 96.
- ProImmune is entitled to prejudgment interest on its claims in the amount of \$668,973.55. *See also* ECF 114.
- ProImmune is entitled to an award of attorneys' fees in the amount of \$196,017.50. *See also* ECF 125.

The Court enters judgment in favor of ProImmune in the total amount of \$2,063,141.05.

SO ADJUDGED.

Dated: January 23, 2024

A handwritten signature in black ink, appearing to read 'K. Karas', is written over a horizontal line.

KENNETH M. KARAS
United States District Judge